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Letter dated 6 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to share with you some thoughts as a follow-up to the meeting that the Security Council held on 4 October 2017 on the Syrian chemical file. The discussion once again proved that all Council members firmly condemn the use of chemical weapons wherever and by whomsoever and believe that those responsible should be identified and held to account. This was exactly the purpose of the establishment of the Organisation for the Prohibition of Chemical Weapons (OPCW) fact-finding mission and the OPCW-United Nations Joint Investigative Mechanism.

The Council members unanimously supported an independent, impartial, professional and objective investigation of the alleged chemical incidents in Syria. On the other hand, some legitimate questions were raised by a number of delegations, in particular with regard to the episode in Khan Shaykhun (Idlib governorate) on 4 April 2017.

From April to June 2017, the fact-finding mission conducted an investigation of the chemical incident in Khan Shaykhun without visiting the site. The fact-finding mission did not thoroughly observe the basic principle of chain of custody and drew its conclusions by interviewing some witnesses whose presence at the site on 4 April was never credibly confirmed. The mission preferred not to go to Sha'irat airbase, where, as was repeatedly claimed, sarin allegedly used in Khan Shaykhun was stored. We were informed in the course of the Security Council meeting that there was a chance for the mission to visit the site of the incident in Khan Shaykhun. All security guarantees were given by the armed groups in control of the site, but the mission did not seize that opportunity for unexplained reasons.

The Joint Investigative Mechanism now has a chance to avoid repeating the fact-finding mission's flaws as it is preparing to send its team to Sha'irat airbase at the invitation of the Syrian Government. We believe it to be in our common interest that this visit be productive in terms of leading to the determination of accurate facts and data. One of the primary purposes of such an inspection should be to determine whether sarin was stored at the airbase.

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No less important for the Joint Investigative Mechanism is to make all possible efforts to visit the site of the incident in Khan Shaykhun pending the security situation, the solution to which, as we know now, could be found.

Looking forward to the final report of the Joint Investigative Mechanism, we express the hope that the Mechanism will be able to strictly adhere to appropriate methodology and avoid hasty and groundless conclusions not supported by robust evidence, as well as factual, detailed and comprehensive justification. All possible leads and scenarios should be meticulously examined. We expect that all necessary information will be provided in the report on who collected the evidence and where and by what means. It is crucial that the principle of presumption of innocence be observed in the course of investigation. There should be no place for any kind of prejudgment.

Please find enclosed herewith a non-paper with some Russian assessments of the fact-finding mission investigation (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 34 (a), and of the Security Council.

(*Signed*) Vassily **Nebenzia**

Annex to the letter dated 6 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Non-paper

The Joint Investigative Mechanism is studying the circumstances of two chemical incidents in Syria to identify their perpetrators. One of them occurred in Khan Shaykhun on 4 April 2017. First, we find it necessary to point to several setbacks in the activity of the Organisation for the Prohibition of Chemical Weapons (OPCW) fact-finding mission to help the Mechanism to avoid the latter's mistakes.

The fundamental flaw in the work of the fact-finding mission was non-compliance with the key principle of chain of custody to preserve the integrity of material evidence. There is no certainty that the material evidence received by OPCW personnel has any relation to Khan Shaykhun. Witnesses were picked out mostly by opposition groups and related organizations.

Another serious flaw was that the fact-finding mission carried out its investigation remotely, without visiting the place of the incident. In particular, there was no justification for the refusal to visit Khan Shaykhun and the Sha'irat airbase, where sarin or a sarin-like substance used in Khan Shaykhun was being stored as some alleged. The Syrian authorities guaranteed free and safe access to this facility for OPCW personnel. The security situation, as we know now, also allowed a visit to Khan Shaykhun.

The fact-finding mission established that sarin or a sarin-like substance was used, but no evidence was provided that an aerial bomb was dropped there. Not a single fragment can be seen on the numerous photos and videos. At the same time, something similar to a compressed metallic pipe can be noticed in the crater, but there is no trace of an aerial bomb.

The work done by the fact-finding mission cannot be considered as solid and complete. The Joint Investigative Mechanism should take into account the findings from the mission's report but thoroughly double-check them. Many other questions to the mission on its methods of work, the way evidence was collected, as well as ignored, and conclusions that were made by it, remained unanswered or unattended to. The Mechanism will have to rely on its own investigation and sources of information and collect additional evidence as stipulated in paragraph 7 of Security Council resolution 2235 (2015).

We hope that some recommendations will help the Joint Investigative Mechanism to conduct a comprehensive, professional and objective investigation to identify those responsible on the basis of undeniable proofs:

1. There is a need to consider all leads without exception, including that of a staged character of the chemical incident.

2. The closest attention should be paid to clarifying the key question of how sarin or a sarin-like substance was used. Without such clarification, it is impossible to identify those responsible.

3. As provided for in paragraph 7 of resolution 2235 (2015), the Joint Investigative Mechanism should fill the gaps which became evident as the fact-finding mission concluded its investigation. To that end the Mechanism experts should visit the Sha'irat airbase and take and analyse samples, without which it will not be possible to identify whether sarin was stored there.

4. According to available information, the crater was paved with asphalt in mid-April, which looked like a deliberate elimination of the material evidence. The Mechanism experts should carefully examine the existing photos and videos to identify the nature of the crater.

Russian specialists came to the conclusion that the size and geometrical form of the crater, as well as the direction of asphalt curves around it (inward, not outward), indicate that a container with sarin or a sarin-like substance was detonated right on the surface. Most likely an improvised explosive device was placed on the asphalt, while the container with sarin or a sarin-like substance held no more than one or two litres of poison gas.

The Massachusetts Institute of Technology professor T. Postol and the former United Nations Monitoring, Verification and Inspection Commission employee S. Ritter wrote articles on the incident, which are worth being looked at.

5. While examining the theory of an air bomb explosion, the Mechanism experts will have to explain the absence of its fragments and remains on the photos and videos.

6. What specifically needs to be substantiated is why the children on the photos, who allegedly suffered from the incident, have dilated eye pupils, while after contact with sarin they were supposed to be contracted.

It is easy to find many other mismatches, as mentioned in particular by the non-governmental organization Swedish Doctors for Human Rights.

Thus, there are serious grounds to assume that much of the evidence was fabricated and some hastily removed to hamper credible investigation.

7. To identify those involved, there is a need to gather information from alternative sources using various investigative skills, in particular in the fields of forensics and counter-terrorism.

8. We believe that the Joint Investigative Mechanism should carefully look at the information on preparations for chemical attacks by terrorists which Syria keeps sending to the Security Council on a regular basis. All possible leads should be considered to determine how toxic chemicals and precursors go to Syria, as well as how, where and by whom they are synthesized.